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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

CASE NO. CR12-0033JLR

11 Plaintiff,

ORDER

12 v.

13 SABIR SHABAZZ,

14 Defendant.

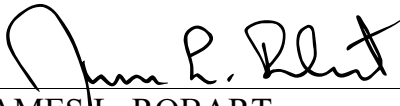
15 Before the court is Defendant Sabir Shabazz's motion to correct a clerical error in
16 the pre-sentence report ("PSR"). (Mot. (Dkt. # 186); *see also* PSR (Dkt. # 48).) Plaintiff
17 the United States of America (the "Government") does not oppose the motion. (Resp.
18 (Dkt. # 188).) The court did not permit Mr. Shabazz to file a reply brief. (*See* 1/16/24
19 Minute Order (Dkt. # 187) at 2.) The court has considered the parties' submissions, the
20 relevant portions of the record, and the governing law. Being fully advised, the court
21 GRANTS Mr. Shabazz's motion.

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1 The Tacoma Municipal Court docket from Mr. Shabazz's 2010 conviction states
2 that the court imposed a sentence of "90 Days on Charge 1 with 90 Days Suspended."
3 (Rap Sheet (Dkt. # 186-1) at 2.) The PSR, however, indicates that Mr. Shabazz received
4 "90 days jail" for that offense. (PSR at 14.) The PSR is incorrect.

5 Federal Rule of Criminal Procedure 36 allows the court to "correct a clerical error
6 in a judgment, order, or other part of the record" "at any time." Fed. R. Crim. P. 36. The
7 court therefore GRANTS Mr. Shabazz's motion and DIRECTS the United States
8 Probation Office to amend the PSR (Dkt. # 48) by no later than **February 16, 2024**. The
9 phrase "90 days jail" on page 14 shall be deleted and replaced with "90 days jail with 90
10 days suspended."

11 Dated this 29th day of January, 2024

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13 JAMES L. ROBERT
14 United States District Judge
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